

Our enterprising friends of the Celestial empire, Messrs. Hungwa, opened their new hotel [see advertisement] on Tuesday last, by a bountiful and well provided collation, to which all their friends were invited. Their house under the attentive care of its proprietors cannot fail of doing well, and will prove an additional source of attraction to our town.

MOUNT SINAI.—President Durbin, after he had visited this renowned and holy mountain, and had felt his mind filled with the vast associations of the spot, broke forth in the following beautiful train of thought when contemplating the scene anew with his pen in hand to record the sentiment:

"I have stood upon the Alps in the middle of June, and looked abroad upon the snowy empire—I have stood upon the Appenines, and looked abroad upon the plains of beautiful, eventful Italy—I have stood upon the Albanian mount, and beheld the scene of the Aeneid from the Circean promontory, over the Campagna, to the Eternal City, and the mountains of Tivoli—I have sat down upon the pyramids of Egypt, and cast my eyes over the sacred city of Heliopolis, the land of Goshen, the fields of Jewish bondage, and the ancient Memphis where Moses and Aaron on the part of God and his people, contended with Pharaoh and his servants, the death of whose first born of man and beast in one night" filled the land with wailing—but I have never set my foot on any spot, from whence was visible so much stern, gloomy grandeur, heightened by the silence and solitude that reigns around; but infinitely more heightened by the awful and sacred associations of the first great revelation in form from God to man. I feel oppressed with the spirit that breathes around me, and seems to inhabit this holy place. I shall never set down upon the summit of Sinai again, and look upon the silent and empty plains at its feet: but I shall go down a better man, and aim so to live as to escape the thunders of the last day, which reverberated through these mountains, but have long since given way to the Gospel of peace. I can scarcely tear myself away from the hallowed summit, and I wish I too could linger here forty days in converse with the Lord.

[By Authority.]

At Chambers in the Fort,
August 20th, 1844.

JULES DUDOIT vs. HENRY S. SWINTON.

Present—His Excellency the Governor, assisted by Hon. G. P. JUDD, and J. RICORD, Esq., H. H. M. Attorney General.

Mr. Jules Dudoit plaintiff in foreclosure, against Henry S. Swinton, defendant, appeared pursuant to notice, and the Court being opened, presented and filed his note for \$538.84 1-2 against Henry S. Swinton and the collateral security given to him on the "World's end" and Naumau property; which he desired to have foreclosed and sold.

Mr. H. Grimes also appeared and exhibited his mortgage on the "World end," of prior date to Mr. Dudoit—Whereupon it was suggested to the Court by the Attorney General that the two weeks notice of foreclosure, may not have been sufficient to enable the defendant, who resides in Lahaina, Maui, to appear and contest the note for which the mortgage was given; particularly as information had been incidentally received that there is an unsettled account between the parties. The Court in consequence adjourned to meet on Tuesday, the 3d. September next, at 10 o'clock, A. M., and ordered that notice of this adjournment be given in the Polynesian newspaper.

Before C. KANAINA, acting Governor of Oahu, assisted by Hon. G. P. JUDD, and J. RICORD, H. H. M. Att'y. General.

VINCENT & WILEY vs. CHAS. NICHOLSON.

This was an action brought to recover \$161 for carpenters' work done by plaintiffs for defendant. Defendant admitted the bill to be correct, but pleaded an agreement by which he was to pay the plaintiffs when the work was done, as follows: He was to give plaintiffs a negotiable note made by A. Jenkins, payable to defendant's order for \$150, and eleven dollars in cash. In proof of this contract, which was not disputed by plaintiffs, defendant gave in evidence the judgment of the Inferior Judges of Honolulu decreeing a specific performance of the contract; in which judgment, the contract was particularly ascertained and set forth.

Evidence was added to show that in carrying out the specific performance decreed by the Inferior Judges, defendant ordered plaintiffs a note of A. Jenkins, payable to his order, for \$200, upon which payments had been made which reduced it down to \$150, and also \$11 in cash; but that at the time of obtaining this note, the defendant had not actually entered it so as to make it negotiable, and refused to do so as stated by one witness, although on another

occasion of tendering it to plaintiffs he offered to endorse it "without recourse."

The Court charged the jury that it was a simple case of specific performance, and that all that the plaintiffs could require was that the judgment of the Inferior Judges be re-decreed. That a note of \$200 reduced by partial payments down to \$150, was in law a note for \$150. That an endorsement "without recourse," by the decisions of England and the United States, and by the Lex Mercatoria, rendered a note payable to order negotiable; and that by the contract between the parties the defendant was to give plaintiffs a note of A. Jenkins, payable to defendant's order—not a note of the defendant's, in which he was individually liable, which would be the case, if the words "without recourse" were not added to his endorsement.

The jury retired and after deliberating a short time, returned into court with the following verdict: "We the undersigned jurors have decided that Mr. Nicholson did receive his work agreeable to contract, but that Nicholson did not offer him (Mr. Wiley) a legal tender, and that Nicholson pays the costs of court, and that he pays the amount of Wiley's bill in a negotiable note on A. Jenkins, to the order of C. H. Nicholson, for the sum of one hundred and fifty dollars (\$150)."

HIRAM GRIMES, (foreman)
GEORGE PELLY,
O. P. RICKER,
I. S. HART,
D. P. PENNALLOW,
T. D. ASB. RENDOLLS,
WILLIAM HORNBLLOWER,
ELI JONES.

Execution was issued accordingly.

A counter petition on the subject of Auction license, signed by subjects of His Majesty, has been received and referred to the proper departments.

The following letter and petition are published for the information of the public: it is unnecessary to add more than that His Majesty has graciously granted the petition, and to order that no license to retail spirits be granted at Hilo.

Consenting vessels should beware of taking liquors to that Island, as by so doing they will be liable to a fine, and may become involved in difficulties with the local authorities.

Hilo, Aug. 5, 1844.

G. P. JUDD, Esq.,
Secretary of State.

Sir,—Enclosed we the subscribers send to you a petition to His Majesty Kamehameha III., and in so doing most earnestly beg of you to overlook any informality in the style or address, and to take our wishes, rather than our words into consideration; and to impute what is contrary to the usual forms in such cases to our ignorance in that respect; but we feel the more emboldened in sending this through you, both from your high and influential station, as well as knowing the cordial and constant support the cause of temperance has always met from you; for we cannot reconcile it with the true spirit of justice, that for the sake of gain or emolument to one or two individuals, a large section of the community should be made miserable.

We therefore pray of you to forward the enclosed petition, and as far as your interest, or as far as is concomitant with your situation, to support the same.

By complying with these our wishes, you will confer a lasting obligation on,
Sir, your most humble and
obd't servants,
THE PETITIONERS.

Hilo, Aug. 5, 1844.

HIS MAJESTY KAMEHAMEHA III.,
King of the Sandwich Islands.

May it please your Majesty:—Whereas we your Majesty's most dutiful, loyal, and humble servants, having heard with regret, that it is the intention of some foreigners, to take out a license for establishing a house for the retailing of ardent spirits, in the bay of Hilo, and knowing, that the introduction of a house for the retailing of spirituous liquors, will be the means of introducing anarchy, discord, and confusion, not only amongst the crews of vessels, who may visit the bay for refreshments and supplies, but also amongst the foreign residents and natives.—And whereas, many or most masters of vessels, wish to go to some place where their crews can go on shore on liberty without their being able to procure the means of intoxication, and thereby neglect the duty of their ships, and cause trouble and expense to the masters; and it will also be the cause of many ships not coming to the bay for refreshment, and thereby be detrimental to the Revenue of your Majesty. Moreover as there are public houses, both in the ports of Honolulu and Maui, where the masters of such ships that do not regard the welfare of their crews, or the interest of their owners, can procure the means of demoralization, we do most humbly pray of your Majesty that we may be exempted from this greatest of evils. And furthermore, having witnessed during a residence of many years in your Majesty's dominions, the very pernicious effects of ardent spirits, both among the foreign residents, and native population of your Majesty's subjects,—producing idleness, neglect of their lands, poverty and disease, becoming unable to pay their

taxes, they prostitute their wives and daughters, to procure money, disregarding all the laws of God and of your Majesty, and otherwise producing a great amount of crime.

We therefore, your Majesty's most dutiful and loyal subjects, having in mind the welfare of this our adopted country, the happiness of our fellow countrymen, the prosperity, honor and stability of your Majesty's government, do most humbly pray and petition of your most Gracious Majesty, to refuse or cause to be refused, every application for establishing a house, for the sale of ardent spirits in the bay of Hilo.

And that God may, of His infinite mercy, long preserve your Majesty in health and happiness, to rule and reign over us, as the constant prayer, and earnest desire of your Majesty's humble petitioners.

DANIEL CASTLE,
JOHN ELY,
JOHN PELHAM,
DAVID C. HIGGASON,
DANIEL ELY,
JAMES CASTLE,
PETER FREEMAN,
HENRY WEEKS,
AHING,
SILAS ROGERS,
LUTHER GILLARD,
WM. PAGE.

Imports.

Aug. 11—TAHITI:—per *Narol*,—12 casks rum, 1 pipe brandy, 30 cases wine, 6 kegs nails, 9 casks sugar, 1 do. ironmongery, 1 case sundries, 1 case soap, 3 do. A. A. flour; C. B. & Co. 8 cases wine, 9 cases champagne; E. W. M. Klemm. 102 cases wine, 25 cases bottled ales; H. S. in & Co. 1 cask brandy, 1 box do., 2 buckets do., 1 package pickles, 1 do. sows, 4 boxes brandy, 2 packages do., 1 chest clothing, 2 cases sundries; C. B. & Co.

Aug. 11—CINAC:—per *Mary*,—91 coils rope, 25 packages cigars, 1.0 bags coffee, 100 do. rice, 4 cases hats, 1 do. punnet, 1 cask S. S. 7 jugs Chocolate, 20 tins do., 2 casks brandy; Skinner & Co.

Aug. 18—OREGON:—per *Brothers*,—16 rolls sh't lead, 300 bbls. s. lard, 300 bbls. lard, 107,021 feet lumber, 1-2 in m. carriage p. p., 1-4 in m. p. in foolscap paper, 1 re in ruled do., 1 re in thick 4to post do., 1 do. black lead pencils; Pelly & Allan.

Notice.—Dr. RICHARD FORD is expected to lecture THIS EVENING, before the *Hawaiian Total Abstinence Union*, at the rooms formerly occupied by the Sandwich Islands Institute.—Subject—"The Physical Effects of Alcoholic Drinks on the Human System." Aug. 24.

SHIPPING INTELLIGENCE FOR THE PORT OF HONOLULU.



1844.



ARRIVED.

Aug. 18—Br. barque *Boaters*, Flere, from the Columbia River 21st ult.; St. Francisco, Aug. 1.
Aug. 20—Am. whale-ship *France*, Edwards, Sag Harbor 13 months—2400 bbls., (1500 the season)—took two sperm whales off Molokai the day before she anchored, making 40 bbls.

PORT OF LAHAINA—MAUI.

ARRIVED.
Aug. 17—Am. whale-ship *John Jay*, Rogers, Sag Harbor 19 months; 4500 bbls. whale, 500 sperm—bound home.

SHIPPING MEMORANDUM.—H. B. M. ship *Modeste*, Capt. Bailey, hence, passed Fort George, on the Columbia, 17th ult., on her way up the river to Fort Van Owen—all well.

The brig *Clematis* was lying at the Wallamette, for this port—to sail in all July.

U. S. ship *Levin*, Page, hence, arrived at St. Francisco 30th ult., all well; was to water, and then proceed down the coast.

A French sloop of war was entering St. Francisco as the *Brothers* came out, Aug. 1.

ADVERTISEMENTS

CANTON HOTEL.

The undersigned having taken the premises formerly known as the "Warren Hotel," begs to assure the public that he has spared no expense in fitting up the same for the comfort and convenience of residents and visitors, and solicits a share of the public patronage.

BILLIARD ROOM and newly fitted BOWLING ALLEYS attached to the premises.

The services of superior Chinese Cooks and Waiters have been secured.

Residents may have their meals sent to their homes, or pic-nic parties provided for at the shortest notice.

BREAD and PASTRY made at the establishment, constantly on hand, and will be supplied in any required quantity. HUNGWA.

Aug. 24.

tf

Advertisement.

THE SUBSCRIBER takes this opportunity of informing his friends and the public, that the Third Term of his "SELECT SCHOOL," will commence on MONDAY, 2nd proximo.

Aug. 24.

2w

A. JOHNSTONE.

For Sale at this Office.

HISTORY of the Hawaiian Islands, 1 vol. 8vo.—with a map and 24 plates. By JAMES J. JARVES. Also—by the same author—*Scenes and Scenery in the Sandwich Islands, and A Trip through Central America*, with steel plates and map. Vol. 1.—*First Series of the Polynesian*—1840-41. tf Aug. 24.

Notice.

At MY CHAMBERS IN THE FORT

OF HONOLULU, 20th August, 1844.

PURSUANT to the petition of Mr. HENRY SKINNER, setting forth his intention to leave the jurisdiction of my court, and praying that a public notice may be given of his intention, I do hereby notify all persons to show cause, if any they have, before me, at the Fort, on the 24th instant, at 10 o'clock A. M., why the said Henry Skinner should not receive his passport.

Given under my hand, the day and year above written.

Aug. 24.

M. KEKUANAOA.

MA KO'U HALE OIHANA, MALUNA O

KA PAPU, HONOLULU, 20th August, 1844.

NO KA NOI ANA MAI O Mr. HENRY SKINNER, a me kona hoakaka ana mai i kona manao, i holo aku mai ko'u aha hoakakolo aku, a e noi ana mai e hoakaka aku wau i kona manao ke ake: Nohia, ke hoakaka aku nei au i na mea a pau, i hele mai inua o'u ma ka Papu, i ka la 24 o keia malama, i ka hora 10 o kakahiaka, ina he kumu ko lakou e loaa ole ai ia Henry Skinner kana palapala holo.

Kau ia ko'u inoa i keia la a me ka makahiki maluna.

Aug. 24.

M. KEKUANAOA.

Wanted.

AN additional PILOT for the port of Honolulu. Applications will be received at the TREASURY OFFICE. tf Aug. 24.

Notice.

THE SUBSCRIBERS for the purchase of LOTS in the NUUANU CEMETERY, are requested to meet at the Counting room of C. BREWER & CO., on Monday Evening next, at 8 o'clock, for the purpose of adopting measures to carry the proposed plan into effect.

The subscription paper, plan of the land, &c. may be seen at the store of STEPHEN REYNOLDS, Esq., where all who feel an interest in the matter are requested to call and examine the same.

Honolulu, Aug. 24, 1844.

Auctions.

THE SUBSCRIBER having taken out an AUCTIONEER'S LICENSE, for the year ending June 30th, 1845, tenders his services to his friends and the public. He has the advantage of a number of years experience, and a good central stand for the business.

The subscriber begs to assure those who may favor him with their patronage, that no exertion will be spared to give the fullest satisfaction to all parties.

The following are his terms for effecting Auction Sales,—viz. —

1st. When accounts are kept, bills made out, and goods delivered by the owner or consignee—2 1-2 per cent.

2d. When accounts are kept, bills made out, and goods delivered by the Auctioneer—on sales amounting to more than \$1000, 3 per cent.—and on sales amounting to less than \$1000, 5 per cent.

WILLIAM PATY, Auctioneer.

Honolulu, Aug. 24, 1844.

Stolen.

A BLACK LACE MANTILLA, nearly new:—Any information which may lead to its recovery, or the detection of the thief, will be thankfully received, at this Office. 3w Aug. 24.

For Boston.

THE coppered and copper-fastened Brig *GLOBE*, J. DOANE, will load for the above port. She is well calculated for carrying Oil. For freight or passage, having good accommodations, apply to the master, on board, or to

Aug. 10.

LADD & CO.

Notice.

ALL PERSONS are hereby cautioned against trusting any of the crew of the British ship *Wm. Ackers*, as no debts of their contracting will be paid by the master or consignees.

Honolulu, Aug. 12, 1844.

tf

For Sale.

THE HOUSE and premises owned and formerly occupied by A. H. Fayerweather.—For further particulars, enquire of

Aug. 10.

EDWARD C. WEBSTER.

Chronometer.

A GOOD Chronometer for sale, apply to C. BREWER & CO. Aug. 16.

NOTICE.

TO THE CREDITORS ON MR. F. J. GREENWAY'S ESTATE.—Mr. FRENCH, wishing to make the security of the books and papers compatible with the utmost possible convenience to the Creditors, under the trust and responsibility of their safe custody, confided to him by their Resolutions of the 3d instant, begs to establish the following

RULES.

1. The hours when Creditors can have access to the Reports, Books, &c., are from 11 A. M. to 1 P. M., of every lawful day.

2. Every Creditor desiring reference to the Reports, Books, &c., shall give a day's previous notice in writing.

3. Every Creditor shall receive what Books and Papers he may wish to refer to through Mr. JAMES AUSTIN, who will be present during the examination, and to whom every Creditor must return the documents he examines, before he departs.

4. Every Creditor is requested to replace the Papers in their respective envelopes and packets, as left by the Committee of Enquiry, that no confusion may arise to the prejudice of other Creditors wishing to examine.

5. No Creditor will be allowed, upon any pretext whatever, to take any Book, Report, Paper or Document, out of the room where they are kept.

6. No Creditor shall have the use of any one Book, Document or Paper, when another Creditor wishes to consult it, except on alternate hours.

7. Every Creditor shall sign his name in a book which Mr. Austin will present, with the date of his attendance, that if any Book or Document should be abstracted, contrary to these Rules, there may be some clue to the party.

(Signed)

WILLIAM FRENCH,
JULES DUDOIT,
(Chairman.)

Honolulu, August 5, 1844.

tf